

REMARKS

The rejection of independent claims 1, 15 and 22 and their dependent claims under 35 USC 112, second paragraph, for the meaning of "self" seems too rigorous in view of the further description of the foamed plastic layer as a tying layer of adhesion plastic but, nevertheless, is clarified as -- itself -- without narrowing that would invoke Festo-like limitations. Please note the supporting disclosure at page 8, lines 30-31.

The continued rejections of independent claims 1, 15 and 22 under 35 USC 102 for anticipation by the cited Maimets patent are, therefore, again traversed because, for anticipation, "the reference must teach every aspect of the claimed invention either explicitly or impliedly." MPEP 706.02. As before, therefore, there are at least two important aspects of the claimed invention neither explicitly nor impliedly taught by the patent.

An important aspect of the claimed invention neither explicitly nor impliedly taught by the patent is that the foamed plastic adhering tie layer "... is extruded simultaneously with the innermost layer against the base layer ..." as quoted from claim 15 and also in independent claims 1 and 22. This requirement of the claims for extruding simultaneously should receive more patentable weight because it produces a difference as described, for example, in U.S. Patent 4,015,033. A copy of this patent is provided in support of a distinction claimed, but a copy of a PTO 1449 is attached for the Examiner's convenience in citing it without fee.

The rejection is overcome because the reason for rejection bridging pages 7 and 8 of the Action can no longer apply once the facts of the patent are. Please note particularly column 2, lines 6-21.

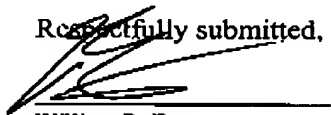
The structure implied by the process steps should be considered ... where the manufacturing process steps would be expected to impart distinctive structural characteristics to the final product. See, e.g., *In re Gurnero*, 412 F2d 276, 279, 162 USPQ 221, 223 (CCPA 1979) (holding "interbonded by interfusion to limit structure") MPEP 2113.

Meltingly extruded simultaneously for self adhering as now claimed is "interbonded by interfusion" which is structural (MPEP 2113) and, therefore, an important aspect of distinction of the claims from the gasket and grout of the patent alone or together.

Another important aspect of the claimed invention neither explicitly nor impliedly taught by the patent is the adhesion plastic of the tie layer that now itself adheres to the inner and base layers. The broadest reasonable interpretation necessary as in the paragraph of the Action bridging pages 6 and 7 is no longer applicable and, therefore, neither is the rejection.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,



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